

26819. Misbranding of Lee's Prescription. U. S. v. 30 Bottles of Lee's Prescription. Default decree of condemnation and destruction. (F. & D. no. 38498. Sample no. 18437-C.)

This article contained acetophenetidin, a derivative of acetanilid, that was not declared on the label, which also bore false and fraudulent curative or therapeutic claims.

On November 5, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles of Lee's Prescription at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about September 23, 1936, by the Erie Laboratories from Cleveland, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article, which was in the form of capsules, showed that it contained 3.62 grains of acetophenetidin, 3.52 grains of acetylsalicylic acid, and caffeine in each capsule.

It was alleged to be misbranded in that it contained acetophenetidin, a derivative of acetanilid, and the package failed to bear a statement of the quantity or proportion of acetophenetidin contained therein. Said article was alleged to be misbranded further in that the statements, "For lessening the Paroxysms of Hay Fever * * * Rose Fever, Sinus, * * * La Grippe, Running Nose, Weeping Eyes, * * * Etc.", appearing on the bottle label, falsely and fraudulently represented that it was capable of producing the effects claimed.

On November 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26820. Misbranding of Vacher-Balm. U. S. v. 141 Packages of Vacher-Balm. Default decree of condemnation and destruction. (F. & D. no. 38519. Sample no. 17199-C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On November 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of Vacher-Balm at Newburgh, N. Y., alleging that it had been shipped in interstate commerce on or about January 16, 1936, by James F. Stras from La Crosse, Wis., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of menthol, oil of eucalyptus, and petrolatum.

It was alleged to be misbranded in that the following statements, borne on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "For Catarrh, spasmodic Croup and Pain. Reduces superficial inflammation and helps to prevent infection. * * * Try For Any Pain For spasmodic Croup, apply on Throat and Chest, cover with flannel. For Catarrh insert in nose and allow a little to dissolve in the mouth. * * * While relieving Pain with Vacher-Balm always try to remove the cause by proper medical Treatment."

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26821. Misbranding of Lee's Creo-Lyptus. U. S. v. 1,986 Bottles of Lee's Creo-Lyptus. Default decree of condemnation and destruction. (F. & D. no. 38565. Sample no. 16932-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims; and the bottle label bore a false and misleading statement that it contained 3 minims of chloroform per ounce, that it had been examined and approved by the United States Government, that it complied with the law, and that it was guaranteed by the Government to comply with the law.

On November 18, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,986 bottles of Lee's Creo-Lyptus at New York, N. Y., alleging that it had been shipped in interstate commerce on or about June 26, 1936, by the Washington Wholesale

Drug Exchange from Washington, D. C., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of ammonium chloride, sugar, alcohol, water, and small quantities of creosote, pine tar, and eucalyptol.

The article was alleged to be misbranded in that the following statements, borne on the bottle labels, on display cartons, and on an advertising poster accompanying the shipment, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: (Bottle labels) "* * * quickly relieves persistent Coughs, * * * Spasmodic Croup, Bronchial Congestion, Whooping Cough. * * * Adults—Sip enough to cover throat every 15 to 20 minutes until relieved, * * * Children—For whooping cough and croup, * * * should be taken regularly according to directions as long as cough is evident. Inflamed tissues are quickly relieved"; (display cartons) "* * * for Coughs * * * and Bronchial Congestion Quick Relief To Persistent And Chronic Cases Recommended for Spasmodic Croup And Whooping Cough. * * * Stops Coughs * * * Creosote—It is used in the treatment of tuberculosis, pneumonia and bronchitis. It is recommended and asserted to have equally beneficial effect upon the bronchial mucous. Creosote was originally introduced in the treatment of tuberculosis on account of its antiseptic action on the lungs. Its beneficial influence in this disease can be ascribed to its stimulating effect on the bronchial mucous membrane. For this action it is also a very valuable drug in the treatment of all types of chronic bronchitis. It is considered very reliable in the treatment of chronic inflammation of the air passages. Creosote if taken over a short period of time is taken in the blood tract and carried to the lungs, saturating them to the extent that it is next to impossible for pneumonia germs to exist. Squills—* * * Used as an expectorant in bronchitis and Spasmodic Croup. Oil Eucalyptus—Oil Eucalyptus is an active germicide. It is absorbed through the intestinal tract. Oil Eucalyptus is used as an antiseptic especially in the treatment of infections of the upper respiratory tract, and as a stimulating expectorant in chronic bronchitis and tuberculosis. It has been especially praised in asthma. Grindelia—Chiefly used as an antispasmodic in the treatment of Asthma and Bronchitis where there is a tendency to dyspnoea (difficult or labored breathing) and bronchial spasms. In chronic bronchitis of aged persons it is particularly salutary. It has been especially useful in the treatment of Whooping Cough and Spasmodic Croup. Senega—Asserted in the treatment of Catarrhal affections, Coughs, * * * Croup, Whooping Coughs, Asthma, etc."; (window poster) "Stop that Cough, * * * or Croup. * * * quickly relieves persistent Coughs. * * * Spasmodic Croup, Bronchitis, Asthma, Whooping Cough. Prevents Pneumonia."

The article was alleged to be misbranded further (1) in that the statement, "Chloroform 3 Mi. to oz.", borne on the bottle labels, was false and misleading when applied to an article that contains less than 3 minims of chloroform to an ounce; and (2) in that the statement, "Contents of this package are guaranteed to comply with all Federal and State Pure Food Laws", borne on the bottle labels, was false and misleading in that the article had not been examined and approved by the Government of the United States, it did not comply with the law, and the Government had not guaranteed that it did so comply.

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26822. Misbranding of solution carbon tetrachloride compound. U. S. v. The National Drug Co. Plea of nolo contendere. Judgment of guilty. Fine, \$50 and costs. (F. & D. no. 38590. Sample no. 64570-B.)

This case involved a drug product that contained carbon tetrachloride, a potentially dangerous drug, in an amount greatly in excess of that declared on the label.

On November 23, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Drug Co., a corporation, of Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act on or about May 6, 1935, from the State of Pennsylvania into the State of Georgia of a quantity of solution carbon tetrachloride compound that was misbranded. The article was labeled in part: "Comp. Tetra-